

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KARA LIN ALLEN
2218 Spring Street, Apartment D
Eureka, CA 95501

Registered Nurse License No. 638845

Respondent

Case No. 2012-265

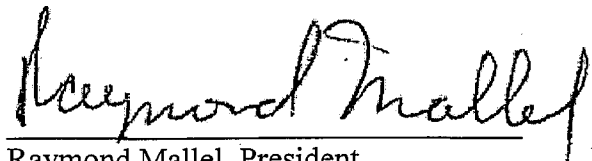
OAH No. 2011120907

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 5, 2013.**

IT IS SO ORDERED **March 6, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUDITH J. LOACH
Deputy Attorney General
4 State Bar No. 162030
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5604
6 Facsimile: (415) 703-5480
E-mail: Judith.Loach@doj.ca.gov
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-265

13 **KARA LIN ALLEN**
2218 Spring Street, Apartment D
14 Eureka, CA 95501
Registered Nurse License No. 638845

OAH No. 2011120907

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

Respondent.

[Bus. & Prof. Code § 495]

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. LOUISE R. BAILEY, M.ED., RN ("Complainant") is the Executive Officer of the
21 Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Judith J. Loach, Deputy Attorney General.

24 2. Respondent Kara Lin Allen ("Respondent") is represented in this proceeding by
25 attorney Scott J. Kiepen, Esq., whose address is: Hooper, Lundy & Bookman PC, 575 Market
26 Street, Suite 2300, San Francisco, CA 94105.

27 ///

3. On or about June 24, 2004, the Board of Registered Nursing issued Registered Nurse License No. 638845 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-265 and will expire on February 28, 2014, unless renewed.

JURISDICTION

4. Accusation No. 2012-265 was filed before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 27, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-265 is attached as Exhibit A and incorporated herein by reference.

ADVICE AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-265. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

///

///

1

2

4

8

10

11

21

24

1 supplemented, or otherwise changed except by a writing executed by an authorized representative
2 of each of the parties.

3 14. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Registered Nurse License No. 638845 issued to
8 Respondent Kara Lin Allen shall, by way of letter from the Board's Executive Officer, be
9 publicly reprovod. The letter shall be in the same form as the letter attached as Exhibit B to this
10 stipulation.

11 IT IS FURTHER ORDERED that within ninety (90) days from the effective date of this
12 decision, Respondent shall pay \$2,638.00 to the Board for its costs associated with the
13 investigation and enforcement of this matter. Respondent shall be permitted to pay these costs in
14 a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered,
15 Respondent shall not be allowed to renew her Registered Nurse License until Respondent pays
16 costs in full.

17 **ACCEPTANCE**

18 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
19 Reproval and have fully discussed it with my attorney, Scott J. Kiepen, Esq. I understand the
20 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
21 Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently,
22 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

23 DATED: 8/23/12

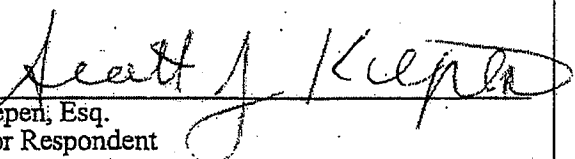
Kara Lin Allen
24 KARA LIN ALLEN
Respondent

25
26 ///

27 ///

1 I have read and fully discussed with Respondent Kara Lin Allen the terms and conditions
2 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
3 Reapproval. I approve its form and content.

4 DATED: 8/23/12


5 Scott J. Klepen, Esq.
6 Attorney for Respondent

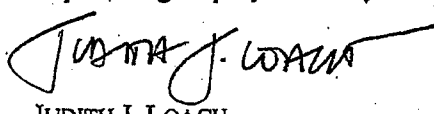
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby
9 respectfully submitted for consideration by the Board of Registered Nursing of the Department of
10 Consumer Affairs.

11 Dated: August 27, 2012

12 Respectfully submitted,

13 KAMALA D. HARRIS
14 Attorney General of California
15 FRANK H. PACOE
16 Supervising Deputy Attorney General



17 JUDITH J. LOACH
18 Deputy Attorney General
19 Attorneys for Complainant

20 SF2011200598
21 40581091.doc

Exhibit A

Accusation No. 2012-265

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUDITH J. LOACH
Deputy Attorney General
4 State Bar No. 162030
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5604
6 Facsimile: (415) 703-5480
E-mail: Judith.Loach@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2012-265

13 **KARA LIN ALLEN**
2218 Spring Street, Apt. D
14 Eureka, CA 95501
Registered Nurse License No. 638845

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about June 24, 2004, the Board of Registered Nursing issued Registered Nurse
23 License Number 638845 to Kara Lin Allen ("Respondent"). The Registered Nurse License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 February 29, 2012, unless renewed.

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

6
7
8
9
0
1
2
3
4
5
6
7
8

7
8
9
0
1
2
3
4
5
6
7
8

9
0
1
2
3
4
5
6
7
8

0
1
2
3
4
5
6
7
8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

7
8

8

8. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

9. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

///

1 COST RECOVERY

2 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FACTUAL BACKGROUND

7 11. At all relevant times, Respondent was the Assistant Director of Nursing ("ADON") at
8 Granada Healthcare and Rehab Center ("GHRC"), a skilled nursing facility in Eureka, California.
9 As the ADON, Respondent was required to make weekly skin assessment rounds and to review
10 resident's Plans of Care and charts to assure that appropriate nursing care and treatment was
11 given to resident's with pressure ulcers.¹

12 12. On or about November 5, 2008, P.R. was admitted to GHRC. She was 91 years old,
13 with a right hip fracture which was being treated by a leg immobilizer brace.

14 13. On admission, GHRC staff failed to institute a pressure ulcer or skin integrity care
15 plan for prevention of pressure ulcers and/or interventions regarding P.R.'s immobilizer brace.

16 14. On November 18, 2008, P.R. was noted to have a Stage II pressure ulcer on her right
17 heel. There were no further assessments of P.R.'s right heel ulcer until December 1, 2008 at
18 which time her pressure ulcer had progressed to Stage IV.

19 15. A non-urgent referral was made by GHRC staff on December 8, 2008, for P.R. to be
20 evaluated at the Wound Care Clinic ("Wound Clinic"), with an appointment scheduled
21 approximately one month later on January 5, 2009.

22 16. P.R.'s right heel pressure ulcer progressively worsened prior to the Wound Clinic
23 appointment. When P.R. presented to the Wound Clinic on January 5, 2009, her right leg had
24 extensive necrotic (dead) tissue with her Achilles tendon fully exposed and foul smelling
25 drainage.

26 ¹ A pressure ulcer is defined as any lesion caused by unrelieved pressure which results in
27 damage to underlying tissue(s). They are graded from Stage I to Stage IV to classify the degree
28 of tissue damage. A Stage IV pressure ulcer is the most serious and is evidenced by full thickness
skin loss with exposed bone, tendon and/or muscle.

1 17. The Wound Clinic immediately referred P.R. to Saint Joseph's Hospital where she
2 underwent amputation of her right lower leg due to gangrene.

3 FIRST CAUSE FOR DISCIPLINE

4 (Gross Negligence/Incompetence – Failure to Ensure Implementation of Pressure
5 Ulcer/Skin Integrity Care Plan)

6 18. Respondent is subject to discipline under Code section 2761(a)(1) for gross
7 negligence and/or incompetence in that as the ADON, she failed to ensure that GHRC staff
8 implemented a pressure ulcer/skin integrity care plan to monitor P.R., as set forth above in
9 paragraphs 11 through 17.

10 SECOND CAUSE FOR DISCIPLINE

11 (Gross Negligence/Incompetence – Failure to Ensure Appropriate
12 Monitoring of Right Heel Pressure Ulcer)

13 19. Respondent is subject to discipline under Code section 2761(a)(1) for gross
14 negligence and/or incompetence in that as the ADON, she failed to ensure that nursing staff were
15 appropriately monitoring P.R.'s right heel pressure ulcer, as set forth above in paragraphs 11
16 through 17.

17 THIRD CAUSE FOR DISCIPLINE

18 (Gross Negligence/Incompetence – Failure to Conduct Weekly Skin Assessment Rounds)

19 20. Respondent is subject to discipline under Code section 2761(a)(1) for gross
20 negligence and/or incompetence in that as the ADON, she failed to conduct weekly skin
21 assessment rounds to ensure nursing compliance with GHRC's pressure ulcer management
22 policy, as set forth above in paragraphs 11 through 17.

23 FOURTH CAUSE FOR DISCIPLINE

24 (Gross Negligence/Incompetence – Failure to Ensure Timely Referral)

25 21. Respondent is subject to discipline under Code section 2761(a)(1) for gross
26 negligence and/or incompetence in that as the ADON, she failed to ensure that P.R. was timely
27 seen at the Wound Clinic, as set forth above in paragraphs 11 through 17.

28 ///

FIFTH CAUSE FOR DISCIPLINE

(Gross Negligence/Incompetence – Failure To Timely Notify Physician)

22. Respondent is subject to discipline under Code section 2761(a)(1) for gross negligence and/or incompetence in that as the ADON, she failed to ensure that P.R.'s physician was updated on the severity of her pressure ulcer, as set forth above in paragraphs 11 through 17.

PRAYER

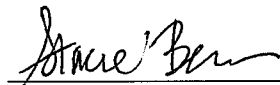
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 638845 issued to Kara Lin Allen.

2. Ordering Karen Lin Allen, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3.

3. Taking such other and further action as deemed necessary and proper.

DATED: October 27, 2011

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2011200609
accusation.rtf

Exhibit B

Letter of Public Reproval in Case No. 2012-265



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Registered Nursing

P O Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | www.rn.ca.gov

Louise R. Bailey, M.ED., RN, Executive Officer



March 6, 2013

Kara Lin Allen
2218 Spring Street, Apartment D
Eureka, CA 95501

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against:
Kara Lin Allen, Registered Nurse License No. 638845

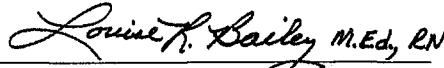
Dear Ms. Allen:

On October 27, 2011, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you violated Business and Professions Code section 2761 (a)(1). Said conduct arose as a result of your failure to ensure that appropriate nursing treatment and care was delivered by staff to a patient who had developed a serious pressure ulcer.

Taking into consideration that you have never been before the Board in a disciplinary matter and that you presented letters of recommendation that attested to your nursing competency, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a Registered Nursing, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California